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10/542,300	11/30/2005	Christophe Naulet	274267US6PCT	5268

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EXAMINER	
DONDERO, WILLIAM E	

ART UNIT	PAPER NUMBER
3654	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/542,300	NAULET ET AL.	
	Examiner	Art Unit	
	WILLIAM E. DONDERO	3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 February 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *12-14,17-20 and 22-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *12-14,17-20 and 22-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *08 February 2008* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

Claim 13 is objected to because of the following informalities: a period needs to be added to the end of the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 12, 19-20, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schiminski et al. (US-4431138) in view of Green (US-3041663). Regarding Claim 12, Schiminski et al. disclose a winding machine comprising a frame, comprising at least two spindles 9.1,9.2 fastened to a barrel 18, each of the spindles being configured to support at least one cake 8 and to be movable in rotation about a first axis substantially perpendicular to a diameter of the cake, and at least one positioning and guidance device 1 configured to position and guide at least one thread 6 on the spindles, wherein the barrel is mounted movably in rotation with respect to the frame along a third axis of rotation substantially parallel to the first axis (Figures 1-12). Schminski et al. is silent about a linear actuator configured to continuously drive the spindles in forward and reverse directions along the first axis during winding of at least one thread. However, Green discloses a linear actuator 46 configured to continuously drive a spindle linearly in forward and reverse directions along a first axis during winding

of at least one thread 16 (Figures 1-2; Column 3, Lines 63-74). It would have been obvious to one of ordinary skill in the art at the time of the invention to add the linear actuator of Green to spindles of Schminiski et al. to build up the package as taught by Green (Column 3, Lines 63-74). Regarding Claim 19, Schiminski et al. disclose a straight ejector 11 configured to position the threads at the end of the spindle (Figures 1-12). Regarding Claim 20, Schiminski et al. disclose a thread retraction device 11 configured to grasp and displace the threads between a first position, in which the threads are in engagement with the device for positioning and guidance of the threads and a second position in which the threads are retracted from the positioning and guidance device (Figures 1-12).

Regarding Claim 23, Schminiski et al. disclose a method for winding cakes comprising positioning a first spindle 9.1 and a second spindle 9.2 on a barrel 18 located within a frame; rotating the barrel so that the first spindle is in a thread receiving position; rotating the first spindle having a thread 6 around a first axis; guiding and positioning the thread onto the spindle with a positioning and guidance device 1; and after building up the thread on the first spindle, rotating the barrel so that the second spindle is in the thread receiving position (Figures 1-12). Schminiski et al. are silent about driving continuously the first spindle linearly in a forward and reverse direction along the first axis while the first spindle is in the thread receiving position. However, Green discloses driving continuously a spindle 18 linearly in a forward and reverse directions along the first axis (via linear actuator 46) while the spindle is in a thread receiving position (Figures 1-2; Column 3, Lines 63-74). It would have been obvious to

one of ordinary skill in the art at the time of the invention to add the linear actuator of Green to continuously drive spindles of Schminiski et al. linearly in a forward and reverse direction to build up the package as taught by Green (Column 3, Lines 63-74).

Claims 13, 17 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schiminski et al. (US-4431138) in view of Green (US-3041663) as applied to claims 12, 19-20 and 23 above, and further in view of Westrich (US-6105896). Schiminski et al. in view of Green is silent about a index device configured to control a position of the barrel with respect to the frame by continuously modifying an angular position of the barrel as a function of a variation in the outside diameter of the cake, to keep a path of the thread constant between its exit point from the positioning and guidance device and its contact point on a periphery of the cake. However, Westrich discloses a winding machine comprising a index device configured to control a position of the barrel with respect to the frame by continuously modifying an angular position of the barrel as a function of a variation in the outside diameter of the cake, to keep a path of the thread constant between its exit point from the positioning and guidance device and its contact point on a periphery of the cake (Column 10, Line 60 – Column 11, Line 17). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the index device of Westrich in the machine of Schminki et al. in view of Green to control the shape, size, and quality of the package as taught by Westrich.

Claims 14, 18, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schiminski et al. (US-4431138) in view of Green (US-3041663) as applied to claims 12, 19-20 and 23 above, and further in view of Sakurauchi (JP-

06329437). Regarding Claim 14, Schiminski et al. in view of Green is silent about the positioning and guiding device including at least one helix mounted movably in rotation about a second axis, substantially parallel to the first axis. However, Sakurauchi discloses a winding machine with a positioning and guidance device including at least one helix 13 mounted movably in rotation about a second axis, substantially parallel to a first axis (Figures 1-9). Because both Schiminski et al. in view of Green and Sakurauchi disclose positioning and guidance devices, it would have been obvious to one of ordinary skill in the art at the time of the invention to substitute the positioning and guidance device of Sarkurauchi for the positioning and guidance device of Schiminski et al. in view of Green to achieve the predictable result of guiding the thread onto the bobbin.

Regarding Claim 18, Schiminiski et al. in view of Green are silent about a device for driving the thread or a thread drawer including at least two motor driven rollers, the device for driving being fastened to the frame of the winding machine. However, Sakurauchi discloses a winding machine including a device 22 for driving the thread or a thread drawer including at least two motor driven rollers, the device for driving being fastened to the frame of the winding machine (Figures 1-9). It would have been obvious to one of ordinary skill in the art at the time of the invention to add the thread drawer device of Sakurauchi to the machine of Schiminski et al. in view of Green to assist with threading up thread as taught by Sakurauchi.

Regarding Claim 22, Schiminski et al. in view of Green is silent about a control and command device configured to ensure a regulation of speed and/or of position

between a primary stroke movement of the positioning and guidance device and a secondary stroke movement of at least one of the spindles. However, Sakurauchi discloses a winding machine with a control and command device 39 configured to ensure a regulation of speed and/or of position between a primary stroke movement of the positioning and guidance device and a secondary stroke movement of at least one of the spindles (Translation Page 8-9, Paragraph [0020]). It would have been obvious to one of ordinary skill in the art at the time of the invention to add the command and control device of Sakurauchi to the machine of Schiminski et al. in view of Green to have precise control of the winding parameters producing the desired package.

Response to Arguments

With respect to Applicant's arguments starting on page 9, line 15 to page 12, line 3, Applicant argues Schiminski et al. do not disclose a linear actuator configured to continuously drive the spindles linearly in forward and reverse directions along a first axis during winding of the at least one thread. Applicant's arguments with respect to claim 12 have been considered but are moot in view of the new ground(s) of rejection.

With respect to Applicant's arguments starting on page 12, line 4 to page 12, line 24, Applicant argues Schiminski et al. do not disclose driving continuously the first spindle linearly in forward and reverse directions along the first axis while the first spindle is in the thread receiving position; and after the first driving the spindle linearly in the forward and reverse directions, rotating the barrel so that the second spindle is in the thread receiving position. Applicant's arguments with respect to claims 23-24 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment, including the addition of the limitation, "a linear actuator configured to continuously drive the spindles linearly in forward and reverse directions along a first axis during winding of the at least one thread", to lines 8-10 of Claim 12, necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIAM E. DONDERO whose telephone number is (571)272-5590. The examiner can normally be reached on Monday through Friday 6:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/W. E. D./
Examiner, Art Unit 3654

/Peter M. Cuomo/
Supervisory Patent Examiner, Art Unit 3654